

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Arizona State Office**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

**ADOT Herbicide Treatment Program on  
Bureau of Land Management Lands in Arizona  
DOI-BLM-AZ-0000-2013-0001-EA**

**Finding of No Significant Impact**

I, the undersigned authorized officer, considering the criteria provided by 40 Code of Federal Regulations (CFR) 1508.27 and the information contained in the *ADOT Herbicide Treatment Program on Bureau of Land Management Lands in Arizona Environmental Assessment* (DOI-BLM-AZ-0000-2013-0001-EA), and as explained further below, find that the proposed action would not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement does not need to be prepared.

**Context**

This Environmental Assessment (EA) has been prepared to analyze the project proposed by the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) to apply herbicides to ADOT rights-of-way (ROWs) on Bureau of Land Management (BLM)-administered lands and to describe the conditions and limitations that would apply to their use. The need for the action is to reduce the incidence of undesirable vegetation within ROWs managed by ADOT across lands administered by the BLM.

The Proposed Action would allow the use of herbicides approved under the Record of Decision for the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS) (BLM 2007) to reduce the incidence and spread of undesirable vegetation within ADOT ROWs.

The EA was made available to the interested public for a 30-day review and comment period. No comments were received from the public or other agencies during the comment period.

**Intensity**

**1. Impacts that may be both beneficial and adverse:**

The EA considered both beneficial and adverse impacts of the application of herbicides within ADOT ROWs on BLM lands. Design features are in place (and documented in the EA) to minimize or reduce adverse environmental impacts such as potential impacts to health and human safety, potential impacts to special status species, and/or potential impacts to water quality and quantity, that could occur from the implementation of the Proposed Action. Beneficial impacts include reducing threats to human health and safety from fire and encroaching vegetation on the ROWs, and reducing potential for spread of noxious weeds.

Under the Proposed Action, ADOT will submit annual Pesticide Use Proposals (PUPs) describing proposed activities and chemicals to be used within the ADOT ROWs. Only federally registered and BLM-approved herbicides will be used.

## **2. Degree of effect on public health and safety:**

The design features outlined in the EA would be followed to conduct the herbicide application projects. These features are designed to protect human health and safety. All mitigation measures presented in the EA would be adopted as part of the Proposed Action. Therefore, the Proposed Action would have minimal effects on public health or safety.

## **3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas:**

The use of herbicides is unlikely to adversely impact areas with unique characteristics such as historical or cultural resources (see item 8 below), park lands, prime farmlands, wetlands, designated or eligible wild and scenic rivers, or other ecologically critical areas since Federal and State highways have altered the landscape to provide for public transportation. Herbicide use along public roadways would be limited to the ADOT ROWs.

There are no prime farmlands within the ADOT ROWs.

The ADOT ROWs pass through four of the five BLM-managed National Monuments in Arizona. Eradication, removal, or control of invasive species and noxious weeds is consistent with the goals and objectives in the management of National Monuments. Application of the proposed mitigation measures would reduce potential impacts to special status species, water quality, and cultural resources.

Application of herbicides near waterways with wetland and riparian vegetation would not directly modify water quantity. However, water quantity could temporarily increase if the application of herbicides to remove unwanted aquatic vegetation reduced plant uptake of water, thereby increasing the amount of available water. Most aquatic herbicides are non-selective and could cause adverse impacts to non-target wetland and riparian species directly impacting individual plants. However, these native plants would have the opportunity to reestablish and could propagate in the place of undesirable vegetation as well. Impacts to wetlands from the upland application of herbicides that are not permitted for use in wetlands would be reduced through the use of standard operating procedures, best management practices, and mitigation measures. Use of herbicides to control undesirable aquatic and riparian vegetation can improve habitat quality for fish and wildlife by providing natural habitat, improve hydrologic function by replacing undesirable vegetation with native species, and reduce soil erosion caused by fire-attractive undesirable vegetation. Overall, treatment of undesirable vegetation within ADOT ROWs would be beneficial to the health and function of wetlands, as these species would be replaced with native species and fish and wildlife habitat would be improved.

Although no designated wild or scenic rivers are located on BLM-managed lands, the ADOT ROWs intersect river segments recommended as suitable for such designation. The application of herbicide to remove undesirable vegetation from areas near potential wild and scenic rivers

would not change the river's outstandingly remarkable values or hinder them from being classified as wild and scenic rivers in the future.

**4. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:**

The effects of using herbicides are well documented and not highly controversial. While some members of the scientific community and the public may prefer to keep herbicide use to a minimum, the 2007 PEIS discussed the BLM's position that with implementation of the design features, standard operating procedures, and recommended mitigation measures, use of the approved herbicides provided substantial beneficial impacts with minimal adverse impacts.

**5. Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk:**

This project is not unique or unusual. The BLM has experience implementing similar actions in similar areas. The possible effects described in the EA are not highly uncertain nor do they involve unique or unknown risks. The environmental effects are typical for this type of program using herbicides to control unwanted vegetation. As part of the PEIS (BLM 2007), a Human Health Risk Assessment was prepared to evaluate the risk of harm to both workers applying the herbicides as well as various types of general public using the treated areas for a variety of purposes. With respect to the herbicides identified for potential use, none pose a risk to public health for systemic or reproductive effects. None of the herbicides were found to pose greater than 1 in 1 million cancer risk. The risk assessment indicates all of the herbicides analyzed show little tendency for bioaccumulation, and the small amounts that could be absorbed through the skin are readily and completely eliminated from the body. Based on the risk assessment conducted by the BLM as part of the PEIS, no toxic effects to public health are expected from the herbicides being considered for use.

**6. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:**

This decision does not establish a precedent for future actions or other actions that may have a significant effect. Future actions involving the use of herbicides to control noxious weeds, invasive plants, and hazardous vegetation on other BLM-managed lands will be evaluated through the National Environmental Policy Act (NEPA) process and will stand on their own merits as to environmental effects.

**7. Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:**

This action is limited to herbicide use by ADOT to control noxious weeds, invasive plants, and hazardous vegetation along public roads on BLM-managed lands in Arizona. This Proposed Action presents no significant detrimental cumulative impacts. The BLM has proposed, and will propose in the future, the use of herbicides to control certain species identified as noxious weeds or invasive species in specific locations. These proposals will be evaluated through the NEPA process and the effect of the actions in combination with treatments by ADOT will be evaluated for cumulatively significant impacts. Through the design features, standard operating procedures, Best Management Practices, and Mitigation Measures BLM has developed for use of

approved herbicides on public lands, no significant cumulative impacts are anticipated from this action when considered with other vegetation removal and herbicide activities.

**8. Degree to which the action may adversely affect Districts, sites, buildings, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:**

Significant impacts to cultural resources are not anticipated. The BLM will consult with Native American Tribes on the annual PUPs developed by ADOT in compliance with Section 106 of the National Historic Preservation Act, as amended. Use of herbicides in Traditional Cultural Properties or areas with plants of cultural or religious importance to tribes would be avoided. If avoidance is not possible, State Historic Preservation Office/Tribal Historic Preservation Office and Tribal Section 106 consultation will be conducted by the BLM. For projects employing Federal-aid highway funding, the FHWA may assume lead responsibilities for compliance under Section 106 on a project by project basis, per the *Programmatic Agreement Pursuant to Section 106 of the National Historic Preservation Act Among the Federal Highway Administration, the Arizona State Historic Preservation Officer, the Arizona Department of Transportation and the Advisory Council on Historic Preservation* [other signatories, including the BLM, anticipated] *Regarding Implementation of Federal-Aid Transportation Projects in the State of Arizona* (execution anticipated during calendar year 2015). Within the boundaries of Traditional Cultural Properties, or in areas with plants of cultural or religious import to Tribes, the use of herbicides will not exceed the typical application rates and will not include bromacil, tebuthiuron, or diquat. Application of herbicides would be conducted from vehicles with booms operating on the pavement or by hand-spraying using backpack sprayers or hoses to avoid ground disturbance within the boundaries of cultural resources that are or may be eligible for inclusion on the National Register of Historic Places.

**9. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:**

Effects to species listed under the Endangered Species Act and habitat designated as critical under the Act were disclosed in the EA, Section 3.2, and the Biological Assessment (BA). The BA, which referenced the BA prepared for the PEIS, determined that the proposed action with proposed conservation measures "may affect, but is not likely to adversely affect" any endangered, threatened, or proposed species; or designated or proposed critical habitat areas. The U.S. Fish and Wildlife Service concurred with these determinations in a March 9, 2015, letter. The proposed conservation measures are incorporated by reference in the EA.

**10. Whether the action threatens a violation of Federal, State, or local environmental protection law:**

The Proposed Action would not violate or threaten to violate any Federal, State, local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable regulations under Title 43 of the Code of Federal Regulations.

  
for Raymond Suazo  
State Director

10.23.2015  
Date

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF  
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... U.S. Department of Interior, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road  
Carson City, NV 89701

WITH COPY TO  
SOLICITOR... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753,  
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR..... U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753,  
Sacramento, CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.



### 43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

#### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2006)